



Report of: **Service Director, Public Protection**

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	31 st January 2017		St. Mary's

Delete as appropriate		Non-exempt
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**Subject: PREMISES LICENCE REVIEW APPLICATION
RE: CANAS Y TAPAS, 72 UPPER STREET, LONDON, N1 0NY..**

1. Synopsis

- 1.1 This is an application by Islington Police Licensing for a Review of the Premises Licence under Section 51 of the Licensing Act 2003. A copy of the review application is attached as Appendix 1.
- 1.2 The grounds for review is related to the following licensing objectives:
 - i) The prevention of crime and disorder;
 - ii) Public Safety; and
 - iii) The protection of children from harm.

2. Relevant Representations

Licensing Authority	Yes
Metropolitan Police	Yes
Noise	Yes
Health and Safety	No
Trading Standards	Yes

Public Health	Yes
Safeguarding Children	No
London Fire Brigade	No
Local residents	Yes: One local resident.
Other bodies	Yes: One local Councillor.

3. Background

3.1 The premises currently holds a licence allowing:

- i) The sale by retail of alcohol, on supplies only, Mondays to Sundays from 00:00 until 00:00 the following day;
- ii) The playing of recorded music, Mondays to Sundays from 00:00 until 00:00 the following day;
- iii) The performance of live music and the performance of dance, Mondays to Sundays from 09:00 until 02:00 the following day;
- iv) The provision of late night refreshment, Mondays to Sundays from 23:00 until 05:00 the following day; and
- v) The premises to be open to the public, Mondays to Sundays from 00:00 until 00:00 the following day.

3.2 Brief Licensing History:

- 24th November 2005 - Premises licence granted by way of conversion and variation under Licensing Act 2003;
- 19th June 2014, current licensee, Koncept Tapas Group Limited, transfers onto the premises licence;
- 11th October 2014, first on-site contact was made between licensing officers and the venue management. Local area issues and concerns were discussed and advice given to the inexperienced licensee.
- 31st March 2015, as a result of issues including ineffectual door staff, external promoters, intoxicated patrons and noise complaints the Licensee and Designated Premises Supervisor (DPS) came into the Council offices for a Licensing Officers Panel meeting. Management agreed to a number of new conditions to be attached to the premises licence by way of a Minor Variation application by 13th April 2015. This application was not submitted.
- 25th October 2015, current DPS, Mr Andrew Zacharia, named on the premises licence;
- 24th November 2015, issues and concerns raised by officers meant the licensee and DPS were booked for a 2nd Licensing Officers Panel meeting. The meeting was rearranged twice, at their request, before being put on hold until the New Year;
- 4th February 2016, as a result of new concerns raised during an inspection by Police on 31st December 2015, where the DPS was obstructive to officers, and on-going issues with cancelled meetings, the non-submission of the previously agreed Minor Variation and general non-engagement, the management attended another Licensing Officer Panel meeting.
The management again agreed to submit the Minor Variation including the agreed premises licence conditions.

- 14th February 2016, a large scale incident occurred at the venue and involved at least one person known to be 16 years old. A Police officer statement recorded that "...the majority of the crowd was very young to be legally drinking alcohol. I would describe the place as being a drunken youth club".
This incident was quickly followed by two further crime and disorder related incidents at the venue on the 19th and 20th February 2016.
- 26th February 2016, the licensee submits the Minor Variation application, originally agreed for 13th April 2015. The proposed conditions did not include all those that had been agreed. Correspondence was sent to the licensee's representative in this regard but the omitted conditions were not subsequently included.
- 1st March 2016, a meeting was attended at the Council's offices by the Licensing Police, the Licensee's representative, Mr Parvez Bhatti, and the DPS. The Police advised that a premises licence review application was being considered and put forward additional control measures such as an 'Over 21's' Policy and 'No New Entry after 01:00', again the majority of these were rejected by the venue's management.
- 12th March 2016 to 5th November 2016, regular officer and Police officer visits to the premises indicate continued compliance failures at the venue and five recorded incidents of crime and disorder.
Police investigations indicate that only one of these incidents had been reported to them by the venue management.
- 6th November 2016, large scale fight involving up to 20 persons at any one time takes place outside the venue. The incident continued for around 10 minutes and spread out across the main road, Upper Street, putting both the public and road users in danger.
This incident was again not reported to Police by the venue.
- 23rd November 2016, premises licence review application is submitted.
- 4th December 2016 to 18th December 2016. Three further serious incidents of disorder recorded at the premises, see additional Police submission dated 20th December 2016 at appendix 4 for details.

3.3 Papers are attached as follows:-

- Appendix 1: application form;
- Appendix 2: current premises licence
- Appendix 3: representations;
- Appendix 4: additional Police submissions; and
- Appendix 5: map of premises location.

4. Planning Implications

- 4.1 The Planning Service has reported that there are no restrictive conditions in force.

5 Recommendations

- 5.1 To determine the application to review the premises licence under Section 52 of the Licensing Act.
- 5.2 The Committee must have regard to the application and any relevant representations. The Committee must take such steps as necessary for the promotion of the four licensing objectives.

5.3 The steps stated in Sections 52(4) of the Act are as follows:

- a) to modify the conditions of the licence; and for this purpose the conditions of the licence are modified if any of them are altered, omitted or any new condition is added;
- b) to exclude a licensable activity from the scope of the licence;
- c) to remove the designated premises supervisor;
- d) to suspend the licence for a period not exceeding three months;
- e) to revoke the licence;
- f) the Committee also have the option to leave the licence in its existing state;
- g) the Committee also has the power in relation to steps a) and b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.

6 Conclusion and reasons for recommendations

6.1 The Council is required to consider this application in the light of all relevant information, and if approval is given, it may attach such conditions as appropriate to promote the licensing objectives.

Background papers:

The Council's Statement of Licensing Policy

Licensing Act 2003

Secretary of States Guidance

Final Report Clearance

Signed by


Service Director – Public Protection

Date 19 January 2017

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

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Islington

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Police – Responsible Authority

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
CANAS Y TAPAS 72 UPPER STREET	
Post town LONDON	Post code (if known) N1 0NY

Name of premises licence holder or club holding club premises certificate (if known) Koncept Tapas Group Limited c/o Mainstream Accountancy Services 527 Moseley Heath Birmingham B12 9BU

Number of premises licence or club premises certificate (if known) LN/4326-120316

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates

(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Peter CONISBEE Pc575NI Police Licensing Officer Islington Police Station 2 Tolpuddle Street London N1 0YY
Telephone number (if any) 07799 133 204
E-mail address (optional) licensingpolice@islington.gov.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

-
-
-
-

Please state the ground(s) for review (please read guidance note 2)

I am Police Constable Peter Conisbee, 575NI a licensing officer acting on behalf of the Commissioner of the Metropolitan Police.

This review of Canas y tapas is based on the grounds of crime and disorder, public safety and the protection of children from harm.

Over the course of the last 18 months, there have been a number of serious incidents at or in association with the venue. These incidents have given cause for concern over the designated premises supervisor's (DPS) ability to operate a safe trouble free venue. The level of incidents at this venue is disproportionate to other similarly licensed, well managed venues in the area. Despite advice and being permitted time, the management of the venue has failed to improve the situation.

There have been a number of fights in or directly outside and associated with the venue, over the last year. All of these incidents have taken place after midnight, many of which have not been reported by the venue. The most recent of these incidents include two GBH's, and the trigger for this review, a serious public order situation which spread across the street into the road and lasted for over ten minutes. It is alleged that children as young as 15 were involved in this affray, and it has been commented on by police previously that the venue was like 'a drunken youth club'.

The venue has a comprehensive licence permitting sales of alcohol 24 hours a day, and late night refreshment until 5am. Aside from the mandatory conditions, the venue has a long list of conditions consistent with the operating schedule and a condition attached after a hearing with the licensing authority.

The police invite the sub-committee to remove the Designated Premises Supervisor, to enforce a change of the SIA registered door team, and ensure that they are part of the Approved Contractor Scheme, to amend the hours of the venue to that which falls within the Islington Licensing Policy, update their CCTV condition and finally to bring in an 'over 21's only' policy.

Please provide as much information as possible to support the application (please read guidance note 3)

Over the last 12 months there has been a lack of engagement/trust with the responsible authorities. During 2015 the police noticed increasing issues with the venue, and their clientele. This was pointed out to the DPS, who refused to accept police concerns. In March 2015 the police met and agreed a number of conditions with the venue. These were still not actioned several months later, and brought up at another meeting in November 2015. Some of the proposed conditions were finally implemented in February 2016 by way of minor variation, after police stated that they were considering a review of the premises licence due to recent incidents. Police suggested further tightening of the licence conditions and practices at the venue to prevent further issues, these have not been adopted in full, police believe that the most recent spate of incidents could have been avoided had their advice been followed. Below is a time line of incidents and meetings from late 2015 to present. For transparency, every crime report and or call to the police referencing this venue has been included.

Sunday 04/10/2015 Crime related incident - Cris 2725158/16 at 2.30am

Police were called to the venue as a male was seen to park up outside, and exit his car in possession of a handgun. He then met a customer from Canas y Tapas, the pair then disappear from the informant's sight.

Sunday 16/10/2015 @ 2.10am

Pc Conisbee conducted observations on the venue from outside for about 30 minutes with two council officers. Two males were seen arguing with each other by the door supervisor, who ignored them. One of the males stated that if there was any trouble he would 'kick their heads in'. A few moments later a female is ejected and a friend of hers starts to argue with the door supervisor, they eventually calm. A male customer unhooks the rope in the roped off area, the door supervisor threatens to 'flatten him'. Pc Conisbee then asked to speak to the manager, the music is then turned right down as Andrew ZACHARIA steps out to meet officers. Council officers requested to see him as previously his emergency exit at the rear was blocked with rubbish bags. Mr ZACHARIA was clearly unhappy and demanded to know the exact reason for our visit, he stated that they feel victimised by the authorities. Our visit was cut short due to being needed urgently elsewhere.

Friday 23/10/2015

Police licensing visit by Pc Pamboris, he speaks to Andy Zacharia with regard to tighter controls on the smoking area at the front of the venue.

Tuesday 03/11/2015

Pc Pamboris meets with Andrew Zacharia, who had recently applied to be the new DPS at the venue, and discusses numerous issues which have occurred at the venue in recent months. They discussed, assaults which had occurred at or outside the venue since April 2015, lack of monitoring/supervising which takes place in the outside/smoking area, responsibilities of the door supervisors and all other staff at the venue, positions of CCTV cameras, noise complaints and potential conditions to be submitted as a minor variation, when to use park guard and/or police, and discussed the lack of response from the venue since the officer panel meeting in March 2015. Pc Pamboris put forward the following suggested conditions;

- 1) There will be 2 SIA door staff on Fridays and Saturdays and when you have DJ, from 9pm until half an hour after closing and one additional member of staff inside who is also SIA trained.
- 2) You will carry out checks on door staff and security company with the SIA
- 3) An incident log book will be kept on the premises and be available to inspecting officers.

The first condition was the same that had been put forward by the police at a meeting in March 2015, which the owner stated he would submit by way of minor variation, yet it had still not been done. Mr Zacharia stated that all these activities are already carried out even though they are not yet conditions. He went on to say that he would discuss the suggestion of a last entry time after I am with the owner.

Saturday 07/11/2015 – Parkguard Report @ 02.36am

Parkguard officers were called to outside a The Ladybird, the scene of a fight. On arrival it transpired that the fight started between three males in Canas y Tapas and spread along the road. Allegedly, door supervisors from Canas y Tapas did not assist in preventing the disturbance. Police were called by the Parkguard officers to notify them.

Saturday 14/11/2015 – Parkguard Report @ 02.16 am

Parkguard officers were passing Canas y Tapas when they had cause to deal with a disturbance in the street. One of the males involved was extremely abusive and threatening towards the officers as they tried to calm the situation. One of the officers liaised with the door supervisors at the venue. They were reluctant to give details as to what had taken place, but did concede that the altercation had started inside the venue, and that they had removed the group. According to witnesses, once the group were out of the venue the door supervisors took no further action as the party continued their disturbance in the street.

Saturday 21/11/2015 CAD 354/21nov15 @ 00.41 am

Customers complaining that they have been refused entry to the venue

Thursday 31/12/2015 Police visit

Police licensing visit, regarding New Year's Eve events. Officers were tasked to attend ALL late night venues in the Upper Street and Essex Road area, to gauge the varying events taking place that night and to risk assess venues. The visits were conducted late afternoon. Mr Zacharia complained immediately to officers that this particular day was not a good one to visit licenced premises. He stated that they would be very busy later on and it would be highly inconvenient. Police returned later into the evening, the DPS, Mr Zacharia was initially obstructive and refused entry, until officers explained their powers under the licensing act. He was unable to show CCTV going back 31 days.

Saturday 16/01/2016 Theft – Cris 2701594/16 @ 3.40am

Staff claiming personal property has been stolen, later found within the venue.

Sunday 31/01/2016 Theft – Cris 2702708/16 @ 3am

Customer reporting theft of personal items at the venue.

Thursday 04/02/2016 Panel meeting at 222 Upper Street, N1

A meeting was held between the police, council and the venue and their representatives. This was held to discuss the events of New Year's Eve. Pc Harrington also spoke about a lack of engagement from the venue, and that conditions agreed at a panel meeting in March 2015 had still not been implemented. At the end of the meeting, the owner stated he would submit a variation immediately.

Sunday 14/02/2016 ABH - CRIS 2703922/16 (also associated CRIS 2703923/16 Offensive weapon and CRIS 2703924/16 Crime related incident) and Cads 706/14feb16, 1147/14feb16 @ 2.45am

A fight has taken place inside Canas y Tapas, one of the females involved has been ejected from the venue by door supervisors. Officers attended the venue to view the CCTV. Whilst at the venue they noted the presence of a wanted subject who was at the time, 16 years old. Officers remained outside the premises and confirmed that the 16 year old was wanted, they remained waiting for the venue to close. Most people left the venue and congregated in St. Albans Place nearby, which also leads to the rear of Canas y Tapas. A fight amongst these people then started. During the melee, officers noted the presence again of the wanted young person. The melee soon escalated to a public order situation.

One officer suffered bite injuries from the young person that was wanted. One person was arrested for possession of an offensive weapon, (a hunting knife), and another was arrested for obstruction of a drug search.

The sergeant leading the officers that evening has provided a statement in which he states of the venue, 'there was a high level of drunkenness displayed', and 'the majority of the crowd was very

young to be legally on the premises drinking alcohol. I would describe the place as being a drunken youth club'

In relation to the police unit remaining at the front of the premises for the wanted young person to appear, he states, 'The only explanation for police not seeing (suspects name) leaving the venue can only be that he left via the back emergency exit door'.

CCTV of the venue was viewed by police, and the manner in which the young person left the venue was inconclusive.

Friday 19/02/2016 @ 1.45 am

Pc Conisbee attended the venue to pick up CCTV that had been requested earlier in the week of the aforementioned incident. By condition of their licence, the CCTV should have been supplied within 24 hours. This was Pc Conisbee's second visit to the venue to collect the CCTV as they had failed to provide it on two previous occasions.

There was a large police presence outside the venue due to a fight that had taken place inside. The suspect was still inside. The police sergeant in charge of the police units present stated that he was waiting for the suspect to emerge. Pc Conisbee suggested to the DPS, Andrew Zacharia, that in the light of what had just happened it might be advisable to close the venue, especially as it was so close to their closing time. He refused immediately stating it would be bad for business. Pc Conisbee suggested that it was in the best interests of the venue to assist police in detaining the suspect and asked for him to conduct a soft closure. Eventually he agreed, but the suspect had somehow escaped from the building already. An independent witness present at the scene claimed to police that the suspect was ushered out of the rear doors by staff, whilst police remained at the front of the venue; this was never substantiated, but remains the only possible exit for the suspect. CCTV was provided by the venue, but not in a viewable format.

Saturday 20/2/16 Cad 735/20feb16

Officers attended the venue to deal with a male alleging assault. Whilst inside the venue a customer started to abuse the officers saying 'I'll take you all on' – he was eventually moved away from the officers but continually shouted 'pigs' towards them. He was not removed from the premises. An allegation of assault was not substantiated by the victim as he stated he was a tourist and due to fly home. Parkguard officers also attended this incident, according to their report the victim stated that the suspect that assaulted him appeared to be good friends with the venue management.

Friday 26/02/2016

The venue submit a minor variation application which was requested by the police on 03/11/2015 after they had failed to submit it a year earlier.

Sunday 28/02/2016 Cad 254/28feb16 @ 00.30am

A customer inside the venue contacted police stating that there were numerous underage persons inside the venue.

Tuesday 01/03/2016

A meeting is held at the council offices of 222 Upper Street between the police, the DPS Mr Zacharia and the owner of the venue, Mr Parvez BHATTY. This meeting was called by police as a result of recent incidents that had taken place at the venue. In arranging this meeting, Pc Conisbee informed the venue that the police were considering reviewing their premises licence.

The following was suggested by the police;

1. Removal of the current DPS
2. Replacement of the current door team
3. Updated CCTV condition
4. Drugs condition
5. Challenge 25
6. Over 21's only
7. Search wands
8. No re-entry after 0100 save for smokers re-entering

9. Incident log

10. Serious assault condition (ensuring police are called whenever a serious assault is believed to have been committed on the premises)

11. Scanner

It was noted during the meeting that the venue had submitted a minor variation the previous Friday to include some of these conditions on their licence. It is firmly believed that considering the police had been requesting this variation for the past 12 months, the only reason this was submitted is because Pc Conisbee mentioned that the police were considering a review of the premises licence.

The minor variation included only two of the above conditions, numbers 9 and 10.

Police asked them to consider the other variations and asked them for an update within ten days. They stated that they already employ 'No re-entry policy' after 1am and will adopt a 'challenge 25' policy, and already use search wands.

Ultimately the venue refused to; Change the DPS, change the door team, (although they have employed staff from another company, they have kept two of their 'in-house' door supervisors) They also refused to adopt an 'over 21's' policy – their rationale being that they have a lot of decent females under the age of 21 and do not want to stop them coming, but they will conduct over 21 for males only, unless they are with a group of females and are clearly the right profile. The police advised strongly against this but the venue was adamant. They also refused to update the CCTV condition and refused the use of a scanner.

Saturday 12/03/16

Police Operation Nightsafe licensing visit; There was no copy of the premises licence on the premises, the CCTV was not covering the door area where searching takes place, the DPS was helpful but door supervisors seemed to dislike police presence. Only two of the three door supervisors had completed the register.

Saturday 28/05/16

Police Operation Nightsafe licensing visit, no issues.

Between 11/06/2016 and 07/07/2016

Numerous visits and observations were paid to licensed premises across the borough, as part of The Euro 2016 Football Tournament. These included drive-by's, static observations and full visits. Canas y Tapas was subject to brief static observations, during which no issues were found. These visits were conducted between early afternoon and late evening.

Sunday 23/07/2016 Parkguard Report @ 1.37am

Parkguard officers were called to the venue to deal with a customer that had been refused entry and was causing a disturbance. Whilst at the premises they noted that known local gang members were present in the venue. They also noted that youths on bikes were riding up to the venue, leaning over the barriers of the smoking area unchallenged by door supervisors. The manager of the venue confirmed to the male refused entry that he was barred for two weeks.

Saturday 06/08/2016 Crime Related Incident – Cris 2719604/16 and Cad 673/06Aug16 @ 1 am

Police were called by the manager of Canas y Tapas to a fight outside the venue involving 15 people, he stated that bottles were being used. On the arrival of police there were no suspects present, but a member of staff from Canas y Tapas had retrieved a knife from the group. This is the only incident found whereby a member of staff has notified police.

Saturday 17/09/2016 GBH - CRIS 2723150/16 @ 2.15am

Police were called to an incident outside Five Guys, 71 Upper Street, NI, a person had been hit over the head with a glass. The victim had been in Canas y Tapas for about 2 hours. On leaving the venue the suspect, who was at this time stood in the smoking area of the venue shouted toward the victim. A verbal exchange took place which culminated in the suspect hitting the victim over the head with a glass. Part of the GBH scene was outside Canas y Tapas, both the door supervisors

and manager were complaining to police that they were closing their venue, this was not the case. The sergeant in charge of the police units on scene stated that the manner in which he had set up the crime scene, facilitated the venue to use their front door. Even so, he stated that the door supervisors were not helpful at all. Parkguard officers also attended this incident and reported that the manager of the premises was complaining about the amount of resources used for such an incident and that it was affecting their business, and that he was taking videos of the area.

Sunday 09/10/2016 GBH - CRIS 2725118/16 and Cad 576 @ 1am

An altercation between two groups of people starts inside the venue, leading to an assault. The door supervisor separated the two parties. The victim then ran out of the venue and asked the door supervisors outside to call police, which they did not. The suspect then walked out of the venue, whilst the victim is still asking the door supervisor to call police, the suspect then started to assault the victim again outside the venue, the assault continued along the street, door supervisors from other venues assisted the victim and separated the parties. The suspects were a couple, male and female and used a glass from the venue as a weapon on their three female victims. Officers requested CCTV from the venue which took almost a month to obtain, despite the condition stating that it must be supplied 'within 24 hours of any request'. The officer dealing with this case has stated that there was no assistance from the door staff outside the venue, and the suspects took the glass straight out of the venue.

Saturday 05/11/2016 @ 2 am

Police were notified of a disturbance outside The Ladybird public house. Officers spoke to the door supervisors who stated the incident was actually outside Canas y Tapas. According to officers attending, the door supervisors at Canas y Tapas were very unhelpful towards police stating it was just a verbal argument and that nothing had really happened.

Sunday 06/11/2016 Public Order Offences/ Common Assault – Cris 2727891/16 and Cad 1215 @ 2.47am

Police were called to a fight outside Five Guys, on arrival there was no trace of any major disturbance. However, CCTV was obtained and shows a fight outside Canas y Tapas, involving their customers. The fight is initially between about six females, but they are soon joined by males, some of whom exit the venue to join in. In a short space of time about 20 people are involved. One of the door supervisors from the venue tries to quell the disturbance, but when the most violent offender is seen to exit Canas y Tapas and join in the fight, pushing people to the floor, the door supervisor retreats back to the venue. The disturbance moves into the road amongst passing traffic, some people are put to the floor as several people continues fighting in the road and across the street. There is a further skirmish directly outside Canas y Tapas by their entrance. The violent scenes continue for about ten minutes. CCTV footage shows approximately 10-15 people involved.

The incident actually started at about 2.40 am, police are not called by Canas y Tapas, but by other witnesses. By the time police arrive, the situation has died down and most suspects have left the area. No members of staff from Canas y Tapas spoke to police. CCTV from the venue was requested and viewed. Aside from the fights, viewing the footage before the incident shows that the door supervisors outside have no control over the smoking area whatsoever. A number of times the amount of people in the smoking area counts well above the 14 stated by the owner at a previous meeting in March 2016. Customers are also seen entering and exiting the roped area from the street unchallenged.

On Wednesday 09/11/2016, police are called to a shop in Upper Street. The victim states that she is being threatened by three females who have come to her work place. On arrival of police she explains that she was accused by these females of assaulting their 15 year old sister at Canas y Tapas on the previous Saturday night/Sunday morning when a number of fights broke out. The victim states that she recalls a fight but was not involved, she did however get assaulted in the melee. She goes on to state that she used to be friends with the manager of Canas y Tapas, he knows where she works, and believes he must have informed them.

Whilst police were dealing with this matter, an older female approached the officer and claimed to be the mother of the 15 year old female involved in the incident. She stated to the officer that her

daughter often attends Canas y Tapas with her older sisters.

Summary

The police have, over the last 18 months had numerous meetings with the owner and management of Canas y Tapas. The initial meeting were in relation to reducing the issues the venue was experiencing. The venue did not take on board police advice, they stated that they would submit a variation to the conditions of their licence, they did not.

The second meeting was for the exact same reasons as the first meeting, albeit the venue now had a new DPS, Mr Zacharia. Again the police stated the issues, and requested the venue take some responsibility. Police were lenient on this occasion as the new DPS had only just started.

When the same issues continued some months later, police suggested that they were looking to review the licence of the premises and called for a third meeting. It was only at this point that the venue submitted a variation of the licensing conditions; a year after stating they would. During this third meeting, the police suggested a number of new conditions and practices for the venue to consider. The venue decided not to adopt the majority of suggested conditions.

One of the main concerns that the police had at the time was with regard to the type of clientele the venue was attracting, many of whom seemed to be under age. On numerous occasions police mentioned this to the venue, and suggested manners in which to deal with them. Police were also concerned that these customers could possibly be a threat to staff at the venue and offered assistance if that were so. Police firmly believe that had the venue followed their initial advice to the letter, these problems of disorder and violence may well not have occurred at all.

Designated Premises Supervisor

The DPS, Mr Zacharia appears to have a nonchalant attitude toward police concerns. Concerns that have proven to be true. He seems to refuse to accept any responsibility for issues that customers have caused; in the most recent of incidents, the 15 person brawl, he stated it was nothing more than a few girls having an argument. Annex 2, condition 10 requires the venue to contact police if any serious assault is committed, or appears to have been committed on the premises. Condition 3 states that an incident log book will be kept on the premises. Condition 17 refers to CCTV, and that it will be made available to police within 24 hours of any request.

As can be seen, numerous incidents have taken place at the venue, and there is only one record of the venue calling police during or after a disturbance – there is no record of any incidents taking place within their log book, and on too many occasions CCTV is provided well beyond the 24 hours as stated by their licence. The DPS seemingly has a complete disregard for the law, and as such, the police have no faith in him whatsoever.

SIA Registered Door Supervisors

On numerous occasions the police have noted a lack of interaction from door staff outside the venue when incidents have taken place, and a lack of communication and assistance from them when police have attended. Police officers, members of the public and now a parent have all stated that underage teenagers attend the venue. This matter was brought to the attention of the owner and the DPS by police, yet still underage people are getting beyond the front door supervision team and into the venue. These door supervisors are either being fooled by forged identities, or they are permitting under age persons to enter the venue. On viewing CCTV from just one evening at the venue, customers climb over the roped area and frequently number above 14, without challenge. A victim of GBH was injured by a suspect exiting the venue with a glass – this person should have been stopped. The police do not consider the current front door security team fit for purpose.

Licensable Hours and Over 21's Only Policy

Every incident involving violence and or disorder has taken place after midnight. It has been suggested to the venue management that they change their customer base. It is firmly believed that those causing issues at the venue attend because it is a late night bar, and the only late night bar in the area that young under age teenagers can enter with little issue. As a result of this, they are not able to deal with the effects of alcohol as the evening draws on. The police believe that these

issues have been brought to the attention of the venue on enough occasions for them to take action, and they have not.

CCTV

Whilst the venue has a CCTV condition, it was suggested in 2015 that this be brought up to date with a more robust condition. Unless Mr Zacharia is present at the venue, CCTV cannot be viewed. This will and has hampered police investigations, causing them to be unnecessarily protracted. Alongside this, and perhaps as a reason, CCTV has on more than one occasion been delayed by as much as a month, despite the current condition stating that it should be supplied within 24 hours.

Conclusion

The police have clearly tried to work with the owner and the DPS, they have afforded them time to right issues that have been brought to their attention. With regard to the licensing objectives the venue has not taken their responsibilities seriously, and as such are failing to promote the objectives of, prevention of crime and disorder, public safety and the protection of children from harm.

In light of the continued problems, and refusals to take on sound police advice we ask the committee to consider the following before someone is more seriously hurt.

1. Remove Mr Andrew Zacharia as the Designated Premises Supervisor
2. To enforce a change in the Door Supervision team to one this is registered with the Approved Contractor Scheme.
3. Amend the hours of Canas y Tapas to that which fall within the Islington Licensing Policy for a restaurant, café or bar.
4. To enforce an 'Over 21's Only' policy
5. To enforce a change in the CCTV condition to read as follows;

CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24hrs of any request free of charge. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge to assist in the immediate investigation of offences. If the system malfunctions and will not be operating for longer than one day of business then Police must be informed.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day		Month		Year			
+	+	+	+	+	+	+	+

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

[Handwritten signature] Pc575NI

Date 23rd November 2016

Capacity Police Licensing Officer Pc575NI

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Peter Conisbee
Police Licensing Officer
222 Upper Street

Post town
Islington

Post Code
N1 1XR

Telephone number (if any) 07799 133204

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) licensingpolice@islington.gov.uk

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



ISLINGTON

**PREMISES LICENCE
LICENSING ACT 2003**

Premises licence number	LN/4326-120316	Date of original grant*	24 November 2005
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**An annual fee associated with this licence is to be paid on the anniversary of the original grant date.*

Postal address of premises, or if none, ordnance survey map reference or description			
CANAS Y TAPAS 72 UPPER STREET			
Post town	London	Post code	N1 0NY
Telephone number	020 7704 6688		

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Ground Floor
<ul style="list-style-type: none"> • The provision of regulated entertainment by way of: <ul style="list-style-type: none"> The performance of live music The playing of recorded music The performance of dance • The provision of late night refreshment • The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities																																																																						
<ul style="list-style-type: none"> • The provision of regulated entertainment for the performance of live music: <table border="0"> <tr><td>Monday</td><td>09.00</td><td>to</td><td>02.00</td><td>the following day</td></tr> <tr><td>Tuesday</td><td>09.00</td><td>to</td><td>02.00</td><td>the following day</td></tr> <tr><td>Wednesday</td><td>09.00</td><td>to</td><td>02.00</td><td>the following day</td></tr> <tr><td>Thursday</td><td>09.00</td><td>to</td><td>02.00</td><td>the following day</td></tr> <tr><td>Friday</td><td>09.00</td><td>to</td><td>02.00</td><td>the following day</td></tr> <tr><td>Saturday</td><td>09.00</td><td>to</td><td>02.00</td><td>the following day</td></tr> <tr><td>Sunday</td><td>09.00</td><td>to</td><td>02.00</td><td>the following day</td></tr> </table> • The provision of regulated entertainment for the playing of recorded music: <table border="0"> <tr><td>Monday</td><td>00.00</td><td>to</td><td>24.00</td><td>the following day</td></tr> <tr><td>Tuesday</td><td>00.00</td><td>to</td><td>24.00</td><td>the following day</td></tr> <tr><td>Wednesday</td><td>00.00</td><td>to</td><td>24.00</td><td>the following day</td></tr> <tr><td>Thursday</td><td>00.00</td><td>to</td><td>24.00</td><td>the following day</td></tr> <tr><td>Friday</td><td>00.00</td><td>to</td><td>24.00</td><td>the following day</td></tr> <tr><td>Saturday</td><td>00.00</td><td>to</td><td>24.00</td><td>the following day</td></tr> <tr><td>Sunday</td><td>00.00</td><td>to</td><td>24.00</td><td>the following day</td></tr> </table> 	Monday	09.00	to	02.00	the following day	Tuesday	09.00	to	02.00	the following day	Wednesday	09.00	to	02.00	the following day	Thursday	09.00	to	02.00	the following day	Friday	09.00	to	02.00	the following day	Saturday	09.00	to	02.00	the following day	Sunday	09.00	to	02.00	the following day	Monday	00.00	to	24.00	the following day	Tuesday	00.00	to	24.00	the following day	Wednesday	00.00	to	24.00	the following day	Thursday	00.00	to	24.00	the following day	Friday	00.00	to	24.00	the following day	Saturday	00.00	to	24.00	the following day	Sunday	00.00	to	24.00	the following day
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- The provision of regulated entertainment for the performance of dance:

Monday	09.00	to	02.00	the following day
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Saturday	09.00	to	02.00	the following day
Sunday	09.00	to	02.00	the following day

- The provision of late night refreshment:

Monday	23.00	to	05.00	the following day
Tuesday	23.00	to	05.00	the following day
Wednesday	23.00	to	05.00	the following day
Thursday	23.00	to	05.00	the following day
Friday	23.00	to	05.00	the following day
Saturday	23.00	to	05.00	the following day
Sunday	23.00	to	05.00	the following day

- The sale by retail of alcohol:

Monday	00.00	to	24.00	the following day
Tuesday	00.00	to	24.00	the following day
Wednesday	00.00	to	24.00	the following day
Thursday	00.00	to	24.00	the following day
Friday	00.00	to	24.00	the following day
Saturday	00.00	to	24.00	the following day
Sunday	00.00	to	24.00	the following day

The opening hours of the premises:

Monday	00.00	to	24.00	the following day
Tuesday	00.00	to	24.00	the following day
Wednesday	00.00	to	24.00	the following day
Thursday	00.00	to	24.00	the following day
Friday	00.00	to	24.00	the following day
Saturday	00.00	to	24.00	the following day
Sunday	00.00	to	24.00	the following day

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On supplies

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Koncept Tapas Group Limited
 c/o Mainstream Accountancy Services
 527 Moseley Road
 Balsall Heath
 Birmingham
 B12 9BU

Registered number of holder, for example company number, charity number (where applicable)

07404587

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Andrew Zacharia

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

London Borough of Haringey

Islington Council
Public Protection Division
222 Upper Street
London
N1 1XR
T: 020 7527 3031
E: licensing@islington.gov.uk

Service Manager (Commercial)

Date of Issue

Licence

Annex 1 - Mandatory conditions

1. No supply of alcohol may be made under the premises licence:
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. All door supervisors shall be licensed by the Security Industry Authority.

There are further 'Mandatory conditions' applicable to licences authorising the supply of alcohol. A full list of the current mandatory conditions is available from the licensing pages on Islington's web site, www.islington.gov.uk. This list is subject to change by order of the Secretary of State and licensees and other responsible persons are advised to ensure they are aware of the latest conditions.

Annex 2 - Conditions consistent with the Operating Schedule

1. There will be a minimum of two SIA registered door staff on duty between 2200 hrs and 30 minutes after the venue closes every Friday and Saturday night.
2. Checks will be undertaken with the Security Industry Authority (SIA) on the door staff being used at the premise and the company supplying them.
3. An incident log book will be kept on the premises and will be made available to inspecting officers upon request.
4. All amplified voices and music played within the premises shall be subject to the control of an entertainment noise control system. All pre-recorded music played through the in-house music system shall be controlled by an automatic electronic noise limiting device which restricts the sound system output to below pre-set threshold levels. All amplified music and voices from live bands, or DJs utilising their own amplification equipment, shall be controlled by the automatic electronic noise limiting device which restricts the sound system output to below pre-set threshold levels.
5. The entertainment noise control system is to be calibrated and maintained at settings which restrict amplified sound played on the premises to, or below, the following levels:
 - a) 93dB(L) Leq(1 min)
 - b) 90dB(A) Leq(1 min)
 - c) 85dB 63 Hz (1 min)
 - d) 87dB 125 Hz (1 min)
 - e) (Measurements were taken at the centre of the room approximately 2 metres from the loudspeakers above the DJ booth.)
6. If there are any changes in the distribution and type of loudspeakers or amplification equipment serving the sound system, then the noise control system shall be re-calibrated to ensure the music levels given above are not exceeded. The calibration certificate shall be forwarded to the Licensing team.
7. The licensee shall ensure that the limiters are tamper-proof and are maintained and calibrated as instructed by the Acoustic Consultant, and the calibration certificates shall be submitted to the Council as every 12 months.
8. The controls for the entertainment noise control system shall be located in a secure, lockable cupboard or similar location. The entertainment noise control

system is to be independent of control by persons other than the licensee. Access to the entertainment noise control system is to be restricted to the Licensee or a designated manager.

9. The sound insulation properties of the premises shall be monitored, maintained and adapted as necessary to ensure that amplified sound played within the premises does not cause nuisance or undue disturbance to occupiers of nearby premises.
10. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - a) The police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
11. This licence is subject to such further conditions as are consistent with any restrictions imposed on the use of the premises for the existing licensable activities under the licence by virtue of the enactments hereinafter set out:
 - Children and Young Persons Act 1933
 - Cinematograph (Safety) Regulations 1955
 - Sporting Events (Control of Alcohol Etc) Act 1985
12. No amusement with prizes machines
13. Substantial food shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
14. The maximum number of persons accommodated at any one time in the premises shall not exceed the following:
 - Ground Floor: 90
15. The licence shall be subject to the Council's standard conditions for Places of Entertainment
16. The licence shall be subject to the Council's technical standards for Places of Entertainment
17. CCTV system shall be installed and maintained inside and outside the premises, including a CCTV unit, which monitors the immediate vicinity of the premises. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping. Tape recordings shall be made available to an authorised officer or a police officer with 24 hours of any request.
18. Any customer suspected of possessing or using drugs on the premises will be removed from the premises by an appropriately trained member of staff, barred from entering the premises again and shall be reported to the Police.
19. The manager shall actively participate in and support the local Pubwatch scheme.
20. The licensee shall employ a dedicated cab company and devise a system for collection of customers that will minimise disturbance to local residents.
21. Bottling out from the premises between 02.00 and 07.00 on any day of the week is prohibited.
22. Alcohol will only be permitted to supply those customers seated outside the restaurant at tables and chairs as authorised by a tables chairs licence. Alcohol will

not be permitted outside the premises unless a valid tables and chairs licence is in effect.

23. Outside tables and chairs will be cleared away or rendered unusable by 23:00.

Annex 3 - Conditions attached after a hearing by the licensing authority

1. There will be no unaccompanied children under the age of 16 in the bar at any time, no unaccompanied children under the age of 16 after 21.30 in the restaurant.

Annex 4 – Plans

Reference Numbers: 4326-120316-Ground Floor Plan-March 2016 &

4326-180415-Basement Plan-18Apr15

Licence



Premises Licence Summary

Licensing Act 2003

Premises licence number	LN/4326-120316	Date of original grant*	24 November 2005
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**An annual fee associated with this licence is to be paid on the anniversary of the original grant date.*

Postal address of premises, or if none, ordnance survey map reference or description			
CANAS Y TAPAS			
72 UPPER STREET			
Post town	London	Post code	N1 0NY
Telephone number	020 7704 6688		

Where the licence is time limited the dates
Not Applicable
Licensable activities authorised by the licence
Ground Floor
<ul style="list-style-type: none"> The provision of regulated entertainment by way of: <ul style="list-style-type: none"> The performance of live music The playing of recorded music The performance of dance The provision of late night refreshment The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities				
<ul style="list-style-type: none"> The provision of regulated entertainment for the performance of live music: 				
Monday	09.00	to	02.00	the following day
Tuesday	09.00	to	02.00	the following day
Wednesday	09.00	to	02.00	the following day
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Friday	09.00	to	02.00	the following day
Saturday	09.00	to	02.00	the following day
Sunday	09.00	to	02.00	the following day
<ul style="list-style-type: none"> The provision of regulated entertainment for the playing of recorded music: 				
Monday	00.00	to	24.00	the following day
Tuesday	00.00	to	24.00	the following day
Wednesday	00.00	to	24.00	the following day
Thursday	00.00	to	24.00	the following day
Friday	00.00	to	24.00	the following day
Saturday	00.00	to	24.00	the following day
Sunday	00.00	to	24.00	the following day

- The provision of regulated entertainment for the performance of dance:

Monday	09.00	to	24.00	the following day
Tuesday	09.00	to	24.00	the following day
Wednesday	09.00	to	24.00	the following day
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Friday	09.00	to	24.00	the following day
Saturday	09.00	to	24.00	the following day
Sunday	09.00	to	24.00	the following day

- The provision of late night refreshment:

Monday	23.00	to	05.00	the following day
Tuesday	23.00	to	05.00	the following day
Wednesday	23.00	to	05.00	the following day
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Saturday	23.00	to	05.00	the following day
Sunday	23.00	to	05.00	the following day

- The sale by retail of alcohol:

Monday	00.00	to	24.00	the following day
Tuesday	00.00	to	24.00	the following day
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The opening hours of the premises:

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Sunday	00.00	to	24.00	the following day

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On supplies

Name, (registered) address of holder of premises licence

Koncept Tapas Group Limited
 c/o Mainstream Accountancy Services
 527 Moseley Road
 Balsall Heath
 Birmingham
 B12 9BU

Registered number of holder, for example company number, charity number (where applicable)

07404587

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Andrew Zacharia

State whether access to the premises by children is restricted or prohibited

No person under the age of 14 years shall be in the bar of the premises during the hours that the premises is authorised to sell alcohol subject to condition 2 of annex 2 of this licence.

There will be no unaccompanied children under the age of 16 in the bar at any time, no unaccompanied children under the age of 16 after 21.30 in the restaurant.

It is an offence to allow persons under the age of 16 years to be on the premises whilst it is open exclusively or primarily for the supply of alcohol for consumption on the premises unless they are accompanied by a person aged 18 or over. No unaccompanied person under the age of 16 years shall be permitted on the premises between 12 midnight and 5am if alcohol is supplied for consumption on the premises.

Islington Council
Public Protection Division
222 Upper Street
London
N1 1XR
T: 020 7527 3031
E: licensing@islington.gov.uk

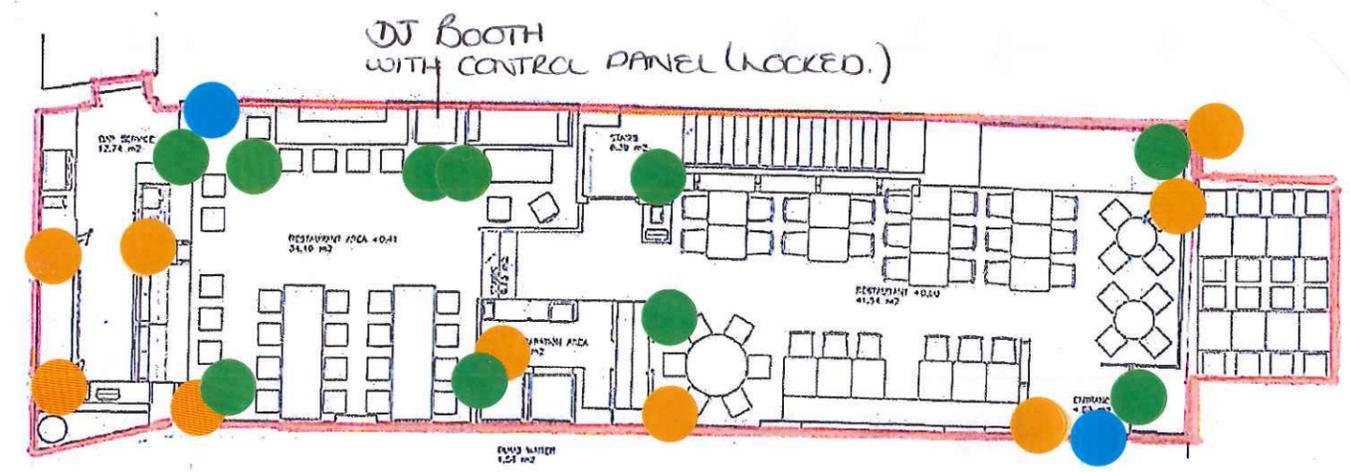
Summary

Canas y Tapas
72 Upper Street
Islington
London
N1 0NY

Ground Floor.

Key:

- Area to be licensed for all Licensable activities.
- CCTV.
- Fire Extinguisher.
- Speaker.



Licensing Authority Representation

Licensing Act 2003

Application: CANAS Y TAPAS, 72 UPPER STREET, LONDON, N1 0NY

This is a representation on behalf of the Licensing Authority in respect of the application to review the premises licence submitted by the Metropolitan Police.

The grounds for the representations are:

- Preventing crime and disorder;
- Preventing public nuisance;
- Public Safety; and
- Protection of Children from Harm.

Licensing Policy Considerations

<i>Licensing Policies 7 & 8</i>	<i>Licensing hours;</i>
<i>Licensing Policy 10</i>	<i>Management standards;</i>
<i>Licensing Policy 13</i>	<i>Drunkenness on the premises;</i>
<i>Licensing Policy 20</i>	<i>Management of external area;</i>
<i>Licensing Policy 21</i>	<i>Dispersal Policy;</i>
<i>Licensing Policies 24 & 25</i>	<i>Children & Licensed Premises; and</i>
<i>Licensing Policy 30</i>	<i>Review of Licences.</i>

Reasons

As laid out within the Metropolitan Police review application this licensed premises has been associated with a number of serious incidents over the last 18 months. The majority of these incidents involve fights between patrons of the venue inside, outside and in the local vicinity, where alcohol and young age have been identified as important factors. The trigger for this review application being a mass brawl involving a large number of patrons, some alleged to be 15 years old, that spread into the road.

The management has regularly been given advice by Council officers and Police officers in relation to licensing related issues, specifically focusing on the conduct of their clientele both inside and outside the venue. Additionally, concerns were regularly raised in relation to the age profile of their customers and the level of drunkenness observed at the premises.

- The first contact with management was a site visit made by Licensing Officers on 11th October 2014, during this visit the officers spoke with Parvez Bhatti, the owner. Mr Bhatti had no previous experience with running a late night venue so was, at this early stage, advised of the historic issues with late night venues on this stretch of Upper Street and given general advice such as no new entry after 01:00.

As a result of issues including ineffectual door staff, external promoters, intoxicated patrons and noise complaints, observed by Council and Police officers, management was called in for a Licensing Officer Panel meeting on 31st March 2015. Management agreed to a number of new conditions to be attached to the premises licence by way of a Minor Variation application by 13th April 2015. This application was not submitted.

Incidents reported by Parkguard officers from the 7th & 14th November 2015 led to the premises management being called in for a second Licensing Officer Panel meeting on 24th November 2015. The meeting was rearranged twice at their request before being put on hold until the New Year.

As a result of concerns raised during an inspection by Police on 31st December 2015 where the DPS was obstructive to officers and on-going issues with cancelled meetings, the non-submission of the previously agreed Minor Variation and general non-engagement, the management were called to another Licensing Officer Panel meeting on 4th February 2016. The management again agreed to submit the Minor Variation including the agreed premises licence conditions.

A major incident occurred at the venue on 14th February 2016 followed by two other incidents on the 19th and 20th February 2016, as detailed within the Police review application, before a Minor Variation was finally received on 26th February 2016 however, it did not include all the conditions agreed. An email was sent in this regard but the omitted conditions were not subsequently included.

A meeting was arranged at the Council offices between the Licensing Police, the Licensee's representative, Mr Parvez Bhatti, and the DPS on 1st March 2016. The Police put forward additional control measures such as an 'Over 21's' Policy and 'No New Entry after 01:00', again the majority of these were rejected by the venue's management.

The above illustrates substantial failures by the management (LP10) in understanding their responsibilities and in the implementation of agreed and suggested controls that could have helped eliminate the serious incidents that occurred over the following months in the lead up to this review. The attitude of the Designated Premises Supervisor (DPS), Mr Andrew Zacharia, has left an awful lot to be desired and has at times been obstructive to officers when attending the venue.

The Police review makes many references to the intoxication level of customers and Police Officers have specifically referenced such within their statements as an aggravating factor for incidents they have attended. Licensing officers have also reported concerns with the level of drunkenness within the venue during inspections. The Licensing Authority does not believe the licensee and DPS have taken their responsibilities seriously in this regard and have chosen not to implement many of the controls suggested to them that could have helped regulate such (LP13).

The Police, Licensing Officers and other responsible authorities have regularly raised concerns in relation to the age profile of the venue's patrons. This issue has been regularly raised with the licensee and DPS. The Police formally suggested the implementation of an 'Over 21's' Policy which was roundly rejected as unnecessary by the management team. The incidents detailed within the Police review application clearly identify the average patron's age as a concern for officers and specifically make reference to underage teenage customers being involved on two occasions. The Licensing Authority has significant concerns in relation to underage person's access to the licensed premises and the management's understanding of their responsibilities in this regard (LP's 24 & 25).

Licensing and Police officers have regularly reported concerns in relation to the management of the external smoking area (LP 20) and of former patrons of the venue failing to leave the vicinity in a timely and/or controlled manner (LP 21). This has included patrons leaving the authorised external area and returning to the venue unchallenged, non-patrons interaction with patrons within the authorised external area, persons going to and from nearby parked cars and former patrons hanging around on the pavement outside. A number of the serious incidents detailed within the Police review application identify poor management of the external area and failures of the Door Supervision team as a contributing factor in the incident. These concerns have regularly been raised with the licensee and controls suggested but again have not been implemented.

Recommendations

The Licensing Authority has significant concerns over the licensee's ability to effectively manage a late night premises of this type. The level of crime and disorder incidents linked to the venue over the last year has been significant and is disproportionate to other similarly licensed, well managed venues in the local area. There is very little confidence that lessons have been learned in spite of regular and detailed advice having been provided to the management.

The management of the premises have failed to uphold the four licensing objectives and have been resistant or refused to implement controls and changes as put forward by Responsible Authorities. The implementation of such would, in all likelihood, have prevented the recent incidences of crime & disorder and the related harm.

On first assessing the application to review the premises licence the Licensing Authority was in agreement with the Licensing Police in regards to the proposed changes to the licence and the removal of the DPS, Mr Andrew Zacharia.

However, it has come to the attention of the Licensing Authority that three separate incidences of disorder have occurred at the venue during the consultation period for this review application, records indicate that these were not reported to the Police by the venue. In addition, the Licensing Service has to date had no contact from the licensee in response to the issues and concerns raised within the review.

Given the above factors the Licensing Authority now believes that the Licensing Committee should strongly consider Revocation of the Premises Licence.

Janice Gibbons

Service Manager (Commercial & Residential)

21st December 2016

Janice.gibbons@islington.gov.uk

Licensing Act 2003

Representation from Islington Public Health department on behalf of health bodies providing services in Islington

Canas Y Tapas, 72 Upper St, London N1 0NY

We are submitting a representation in support of the licence review for the above premise, which has been called by the Metropolitan Police. This representation is on behalf of Islington's Public Health Department, which is a responsible authority.

The grounds for this representation are the following Licensing objectives:

- Protection of children from harm
- Prevention of crime and disorder
- Public Safety

Public Health are concerned that the evidence provided by the Metropolitan Police shows a disregard for the responsibility that comes with having licence to sell alcohol. The disregard shown by Canas Y Tapas is likely to impact on the health and wellbeing of those in Camden, and particularly those under the age of 18 years. Our concerns relate to the following:

- High levels of violence associated with the venue.
- A number of witness statements noting the number of young people who appear to be associated with the violence related to the venue.
- High number of ambulance call-outs in the area, particularly after midnight.

The impact of alcohol on health in Islington is significant, and the effect of this is felt across all health and front line services. In Islington in 2014/15, the proportion of ambulance call outs that were alcohol related was significantly higher in the Lower Layer Super Output Area (LSOA)* where the venue is located in comparison to the borough average. In addition, alcohol-related ambulance call outs frequently occur later at night, with 49.2% of call outs in the venue's LSOA being between 11pm and 5am, compared to 39.9% in Islington as whole.

Assaults are a serious and real public health issue in Islington. Assaults are closely linked to alcohol consumption, with both the victim of an assault and the perpetrator likely to have been drinking at the time. It is estimated that 80,000 glass and bottle attacks occur in the UK each year, accounting for 4% of violent crime. Nationally among 15-25 year olds, around half of all facial injuries were sustained in assaults in or nearby to bars and are alcohol related. These injuries, often fuelled by alcohol, put a huge strain on NHS resources.

The impact of alcohol on young people is particularly great in Islington. Islington had the third highest rate of alcohol-specific hospital admissions for under-18s in London between 2012/13-2014/16, with 44 under-18s admitted per 100,000 over that period, in comparison to 24 people per 100,000 in London.¹ Alcohol use in young people is also associated with injuries from accidents or from fighting, perpetrating or being the victim of alcohol-related crime and violent crime, involvement in anti-social behaviour, school absenteeism, and poor academic performance. The Islington licensing policy emphasises restricting access to alcohol for children as a high priority in order to help reduce the anti-social behaviour and health issues associated with underage drinking.

Recommendation

Islington Public Health fully supports the review of this licence, and all conditions put forward by colleagues in Licensing and the Metropolitan Police. We would ask the licensing committee to consider the following:

- Use of polycarbonate glasses and no glass bottles after 10pm.
- Move to restaurant conditions and framework hours, as per Islington Licensing Policy 2013-2017.
- No under 21s allowed into the venue unless restaurant hours and conditions are imposed.

¹ <https://fingertips.phe.org.uk/profile/local-alcohol-profiles>

*An LSOA is a small area home to around 1,500 residents



ISLINGTON

PUBLIC PROTECTION DIVISION

Trading Standards
222 Upper Street
London N1 1XR

Tel: x 3874
E-mail: doug.love@islington.gov.uk

Please reply to: Doug Love

MEMO TO:

**LICENSING TEAM
222 UPPER STREET**

Our Ref:
Your Ref:
Date: 19/12/16

LICENSING ACT 2003: REPRESENTATIONS BY RESPONSIBLE AUTHORITY

Koncept Tapas Group Ltd t/a Canas y Tapas, 72 Upper Street, N1

I have had the opportunity to examine the application made by the Police to review the premises licence of this business. I wish to make the following representation.

1. I have three main areas of concern, having read the application: the suggestion of widespread underage drinking and the total failures of the licensee and DPS to engage effectively with the Police or to comply with the existing conditions on their licence.
2. With regard to the first, there is little excuse for having anyone under 18 who is intoxicated by alcohol inside the premises, whether or not the alcohol was supplied at the premises. Many underage customers may carry fake IDs, but the vast majority of these should be spotted by well trained and responsible staff. **I fully support the Police's request that over 21s only should be permitted into the club.** I ask the Committee to consider supporting this aim by including conditions requiring use of Challenge 25 and relevant training to staff. The following wording could be used:
 - The licensee shall adopt 'Challenge 25', requiring anyone appearing to be under 25 to provide proof of age showing that they are over 21.
 - The licensee shall ensure that all staff and contract staff are trained on relevant matters including the conditions on the premises licence; age verification procedures; and (if they are ever left in charge of the premises) the operation of the CCTV system and how to deal with visits from authorised officers. The licensee shall keep records of training and instructions given to staff, detailing the areas covered, and make them available for inspection upon request by authorised officers. Staff shall sign to confirm that they have received and understood the training.
 - Age verification procedure training shall cover the following steps: the assessment of age; how and when to challenge for proof of age; acceptable proof of age and how to check it; and the identification of fake proof of age documents.
3. In my wide experience of licensed business – mostly off-licences – one of the signs I feel to be most worrying is when a premises licence holder (PLH) and/or DPS fail to engage with me, particularly after something has gone wrong. I expect to see evidence that they are going to be proactive in ensuring similar problems do not occur in future and show a willingness to listen to me and the advice I give, even if they put forward alternative arguments. Indeed such behaviour is expected under Licensing Policy 10.

This does not appear to have been the case in this instance and I would have little confidence that, unless the DPS changes, this position will change. **I fully support the request of the Police that the DPS is removed.**

4. The reluctance of the premises management to comply with the conditions that are currently on their licence, even after issues have been raised by the Police, is of grave concern. If the Licensing Sub-Committee are equally concerned and a desire to improve is not convincingly exhibited by the PLH, I believe that **revocation of the licence may be appropriate**, as I wonder whether even the actions recommended by the Police will be sufficient to promote the licensing objectives without this desire.

Doug Love
Trading Standards Officer



**Islington Licensing Authority
Licensing Act 2003**

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority Environmental Protection

Your Name	Anne Brothers	
Job Title	Noise Liaison Officer	
Postal and email address	222 Upper Street, London N1 1XR anne.brothers@islington.gov.uk	
Contact telephone number	020 7527 3047	
Name of the premises you are making a representation about	Canas Y Tapas	
Address of the premises you are making a representation about	72 Upper Street, N1.	
Which of the four licensing Objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
To prevent public nuisance	Yes	The out of hours service has been in receipt of intermittent calls in relation to unwanted noise from amplified sound from the premises affecting residents in their homes and customer noise outside the premises.
Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	Pollution Team as Responsible Authority in relation to the prevention of public nuisance supports the Police review of this premises licence.	

Signed: Anne Brothers Date: 20 December 2016

Please return this form along with any additional sheets to: Licensing Support Team, Public Protection, 222 Upper Street, London N1 1XR or email to licensing@islington.gov.uk

This form must be returned within the Statutory Period. For more details please check with the Licensing Support Team on 020 7527 3031

From: [REDACTED]
To: [REDACTED]
[REDACTED]
Subject: RE: Premises Licence Review: Canas Y Tapas
Date: 24 November 2016 22:33:07

I wish to register full support for this review and endorse the conditions suggested by the applicant. The current operation of the license is clearly undermining the licensing objectives which is compounded by the poor standards of management. I am very disappointed at the lack of engagement with the responsible authority by the management. I am further very concerned at what appears to be a hostile approach to legitimate visits to the venue by the Police to ensue compliance with conditions and in response to incidents.

These types of incidents make the life of residents in this locality almost unbearable. This review appears long over due and offers a sensible and proportionate remedy to some of the problems experienced by residents.

Regards
Councillor Gary Poole
St Marys Ward

Sent with Good (www.good.com)

-----Original Message-----

From: Williams, John
Sent: Thursday, November 24, 2016 03:53 PM GMT Standard Time

[REDACTED]
[REDACTED]
[REDACTED]
Subject: Premises Licence Review: Canas Y Tapas

Dear Sir/Madam,

We have received the attached application for a **Premises Licence (Review)**:

Licence Holder: Konzept Tapas Group Ltd

Premises Name: Canas Y Tapas

Address: 72 Upper Street. N1 0NY

Application received: 23/11/16

Last date for representations: 22/12/16

Reference: WK/160036692

From: [REDACTED]
To: [REDACTED]
Subject: RE: Premises Licence Review: Canas Y Tapas
Date: 12 December 2016 13:55:16

I wish to support the application for review made by the police and would ask the licensing committee to vary the licence and to add the conditions requested by the police. The police have been very patient but there seems to have been no improvement and for the health and safety of the public the request should be granted.

[REDACTED]
[REDACTED]
[REDACTED]

Your
Our Licensing/NI
Date: 20/12/2016



**METROPOLITAN POLICE
 SERVICE**

Islington Police Licensing Unit
Islington Police Station
2 Tolpuddle Street
London
N1 0YY

Telephone: 07799133204

Email:

licensingpolice@islington.gov.uk

London Borough of Islington
 Licensing Department
 222 Upper Street
 London
 N1

Re; Application to Review Premises Licence

Canas y Tapas, 72 Upper Street, London, N1 0NY

We write this letter to submit further information since we submitted the application to review the premises licence of the above venue on 23rd November 2016.

Despite the police applying to review this licence, issues have continued at the venue; the following is a time line of events.

Sunday 04/12/2016 @ 01.20am

A disturbance takes place outside the venue causing the door supervisor to step away from the venue to control an aggressive male. The male is taken several metres away, but soon breaks free and lashes out at another male. The unrest continues sporadically between several people over the course of the next ten minutes.

Saturday 10/12/2016 GBH and Common Assault - Cris 2730590/16, 2730591/16 and Cad 490 @ 0045 am

All parties had been in the venue for a considerable time when an altercation between two groups started. Both groups have then left the venue with assistance from door supervisors. A fight then takes place between the two parties; this culminates in one female receiving a GBH type injury whereby her ear lobe has been bitten and her ear ring ripped from her ear. Another female sustains injuries consistent with common assault. (Punched to the face).

Statements were not able to be taken from the victims at the time, due to their levels of intoxication, thereby hampering the progress if the case.

Saturday 10/12/2016 @ 11.50pm Police Nightsafe Licensing Visit

As part of the borough wide operation Nightsafe, police were directed to attend the venue and conduct a full licensing check. During the check officers asked the Designated Premises Supervisor (DPS) Mr Andrew ZACHARIA whether it was 18 or 21 to be allowed entry. He informed the officers that it was 21 with photo ID. The officer continues in her statement that whilst she was by the bar area she noticed several people who she knows to be over 18, but under 21. On leaving the premises she also noticed a group of females who were all very drunk, one in particular had to be helped to her feet by her friends.

Monday 12/12/2016

Police receive an email from the Operations Director of Blink Security. The emails states that the company wish to pull away from the venue and withdraw their services. They do state however that they only supply

the venue with one door supervisor, whose sole role is to monitor the patrons inside the venue and they have no control over the door to the venue, this is controlled by 'in house' door supervisors.

Sunday 18/12/2016 @ 02.36am, fight from venue spills into the road

At the time shown, CCTV shows the door supervisor struggling with someone directly outside the venue. This then spreads across the pavement, and a crowd of 9-10 people spill from the venue. The disturbance then continues into the road, people narrowly missing passing cars. The disturbance continues across the street. After a few moments, the majority of those involved in the disturbance walk back across the street and straight into the venue.

Summary and Conclusion

Whilst the licence of a venue is subject to a review, the police would expect contact to be made from the licensee or the DPS; some form of interaction to perhaps find a way forward during this testing time. Neither person has contacted the police licensing team during this review process. The only contact between the venue and police has been when a police licensing officer asked for copies of CCTV.

Apart from an outside company withdrawing their services to the venue, alarmingly, they seem have made no changes whatsoever. Their inaction, three further disturbances and observations by a police officer have forced us to reconsider our position stated in the conclusion of the review application. In the last incident on the 18th of December, we find it wholly irresponsible that 8 women and 3 men who were all involved in the disturbance were able to walk back into the venue unchallenged – this is a clear indication to us that there is either no control or no willingness to control their patrons.

As a result of these continual mounting incidents, our position has changed. In the light of the licensee and DPS showing a complete disregard to the licensing objectives, we ask the committee to consider the option of revocation.

Please also find attached to this a letter from Detective Chief Inspector Steve HEATLEY regarding the impact of GBH in the night-time economy.

Yours sincerely

Peter Conisbee PC575NI
Steven Harrington PC425NI
Ben Chadwick PC292NI

Islington Police Licensing Officers

Your Canas Y Tapas Review

Our

Date: 05/01/2017



**METROPOLITAN POLICE
SERVICE**

Islington Police Licensing Unit
Islington Police Station
2 Tolpuddle Street
London
N1 0YY

Telephone: 07799133204

Email:

Licensingpolice@islington.gov.uk

Re: GBH and the Nighttime economy of Islington Borough

Over recent years Islington has experienced rapid growth in its night time economy. The cumulative effect of this is a heavy footfall of persons who are not resident in Islington Borough but who are present between the hours of 8pm and 6am to take advantage of the extremely vibrant night-time economy, especially over weekends.

We are now facing an increase in public transport services, with the introduction of the 'night tube', but there has not been commensurate increase in public services, such as Police or the London Ambulance Service.

Each new license or extension of an existing license will create additional demand on a range of public services. There is a direct link between the number of persons in public places who have consumed alcohol and the number of violent assaults that take place in that public place. This 'new' business for the police will involve reporting and investigating more instances of theft, anti social behaviour, drunkenness and serious assaults. No additional police resource will be available to cope with this extra demand. More people will be the victims of crime and more people will be injured.

Similarly we must engage with any business that has a disproportionate amount of need for the emergency services as a result of anti-social behaviour, or violence emanating from their premises. If the engagement is not successful, further action may be deemed necessary to reduce these serious issues.

The number of Police personnel available both in terms of uniform deterrence and investigative capacity is at its lowest between the hours of 11pm and 8am. At a time when both Police resources are being severely squeezed long with the resources available to NHS we strongly resist increasing the number of persons who have consumed alcohol onto the streets of Islington. We have dwindling resources to deal with the consequences.

The average investigation into an allegation of Grievous Bodily Harm costs Islington Police £2000 to investigate.

In the previous year to 31st October 2016, Islington police investigated over 580 such crimes. This does not include domestic related GBH offences (which increases by a further 250). 176 of these crimes occurred between the hours of midnight and 5am.

This takes no account of the costs to the NHS. It also takes no account of the thousands of alcohol-related Actual Bodily Harm and Common Assault investigations that are taken on by Islington Police every year.

In any area that is already saturated with Licensed Premises it is just not sustainable to keep increasing the number of people on those streets after midnight. No matter how well any establishment is run internally their very business case is based on growing the number of people who end up on the streets of Islington having been drinking. As local public services are already stretched then the inevitable consequence of granting more post-midnight licences is an increase in the number of victims of serious violence.

Detective Chief Inspector Steve Heatley

Islington Police

